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CLERK US DISTRICT COURT DISTRICT OF NEVADA	
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CHRISTOPHER CHIOU  
 Acting United States Attorney  
 Nevada Bar Number 14853  
 KIMBERLY M. FRAYN  
 Assistant United States Attorney  
 501 Las Vegas Boulevard South, Suite 1100  
 Las Vegas, Nevada 89101  
 Telephone: 702.388.6546/Fax 702.388.6418  
[Kimberly.Frayn@usdoj.gov](mailto:Kimberly.Frayn@usdoj.gov)

*Attorneys for the United States*

**UNITED STATES DISTRICT COURT  
 DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JUAN ZUBIAS-GAMEZ,  
 a.k.a. "Juan Zabras-Gamez,"

Defendant.

Case No.: 2:21-cr-00101-GMN-VCF

**Stipulation to Extend Deadlines to  
 Conduct Preliminary Hearing and  
 File Indictment (Seventh Request)**

IT IS HEREBY STIPULATED AND AGREED, by and between Christopher  
 Chiou, Acting United States Attorney, and Kimberly M. Frayn, Assistant United States  
 Attorney, counsel for the United States of America, and, Abel M. Yanez, Esq., counsel for  
 Defendant Juan Zubias-Gamez, that the Court continue the preliminary hearing originally  
 set in Case No.: 2:20-mj-695-BNW currently scheduled in this case for April 27, 2021, be  
 continued to at date and time convenient to the court but not sooner than June 15, 2021.

This request requires that the Court extend two deadlines: (1) that a preliminary hearing be  
 conducted within 14 days of a detained defendant's initial appearance, *see* Fed. R. Crim. P.  
 5.1(c); and (2) that an information or indictment be filed within 30 days of a defendant's  
 arrest, *see* 18 U.S.C. § 3161(b).

1 This stipulation is entered into for the following reasons:

2 1. The United States Attorney's Office has developed an early disposition  
3 program for immigration cases, authorized by the Attorney General pursuant to the  
4 PROTECT ACT of 2003, Pub. L. 108-21.

5 2. The early disposition program for immigration cases is designed to: (1) reduce  
6 the number of hearings required in order to dispose of a criminal case; (2) avoid having  
7 more cases added to the court's trial calendar, while still discharging the government's duty  
8 to prosecute federal crimes; (3) reduce the amount of time between complaint and  
9 sentencing; and (4) avoid adding significant time to the grand jury calendar to seek  
10 indictments in immigration cases, which in turn reduces court costs.

11 3. The defendant has accepted a plea offer in this case that requires defendant to  
12 waive specific rights and hearings in exchange for "fast-track" downward departure under  
13 USSG § 5K3.1. A written plea agreement, waiver of indictment, and a criminal information  
14 has been submitted in case number 2:21-cr-00101-GMN-VCF. A change of plea hearing has  
15 been scheduled for May 26, 2021. If the court accepts the defendant's guilty plea, the  
16 preliminary hearing originally set in Case No.: 2:20-mj-695-BNW can be vacated. If not, the  
17 parties will need additional time to finalize their preparations for the preliminary hearing.

18 4. Under Federal Rule of Criminal Procedure 5.1(c), the Court "must hold the  
19 preliminary hearing within a reasonable time, but no later than 14 days after the initial  
20 appearance if the defendant is in custody . . . ."

21 5. However, under Rule 5.1(d), "[w]ith the defendant's consent and upon a  
22 showing of good cause—taking into account the public interest in the prompt disposition of  
23 criminal cases—a magistrate judge may extend the time limits in Rule 5.1(c) one or more  
24 times . . . ."

1           6.       Furthermore, under the Speedy Trial Act, 18 U.S.C. § 3161(b), “[a]ny  
2 information or indictment charging an individual with the commission of an offense shall be  
3 filed within thirty days from the date on which such individual was arrested or served with a  
4 summons in connection with such charges.”

5           7.       Defendant, defense counsel, and the government will need additional time to  
6 finalize their preparations for the preliminary hearing, if the court ultimately does not accept  
7 the defendant’s guilty plea on May 26, 2021.

8           8.       Accordingly, the parties jointly request that the Court schedule the  
9 preliminary hearing in this case at a date and time convenient to the Court, but not sooner  
10 than June 15, 2021.

11          9.       Defendant is in custody and agrees to the extension of the 14-day deadline  
12 imposed by Rule 5.1(c) and waives any right to remedies under Rule 5.1(c) or 18 U.S.C.  
13 § 3161(b), provided that the information or indictment is filed on or before the date ordered  
14 pursuant to this stipulation.

15          10.      The parties agree to the extension of that deadline.

16          11.      This extension supports the public interest in the prompt disposition of  
17 criminal cases by permitting defendant to enter into a plea agreement under the United  
18 States Attorney’s Office’s fast-track program for § 1326 defendants.

19          12.      Accordingly, the additional time requested by this stipulation is allowed  
20 under Federal Rule of Criminal Procedure 5.1(d).

21          13.      In addition, the parties stipulate and agree that the time between today and  
22 the scheduled preliminary hearing is excludable in computing the time within which the  
23 defendant must be indicted and the trial herein must commence pursuant to the Speedy  
24

1 Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), considering the factors under 18 U.S.C.  
2 § 3161(h)(7)(B)(i) and (iv).

3 14. This is the seventh request for an extension of the deadlines by which to  
4 conduct the preliminary hearing and to file an indictment.

5 DATED this 8th day of April, 2021.

6 Respectfully submitted,

7 CHRISTOPHER CHIOU  
8 Acting United States Attorney

9 /s/ Abel M. Yanez

10 Abel M. Yanez, Esq.  
Counsel for Defendant  
JUAN ZUMBIAS-GAMEZ

/s/ Kimberly M. Frayn

KIMBERLY M. FRAYN  
Assistant United States Attorney

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 JUAN ZUBIAS-GAMEZ,  
7 a.k.a. "Juan Zabias-Gamez,"

8 Defendant.

Case No.: 2:21-cr-00101-GMN-VCF

**[Proposed] Order on Stipulation to  
Extend Deadlines to Conduct  
Preliminary Hearing and  
File Indictment**

9 Based on the stipulation of counsel, good cause appearing, and the best interest of  
10 justice being served; the time requested by this stipulation being excludable in computing  
11 the time within which the defendant must be indicted and the trial herein must commence  
12 pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), and Federal Rule of  
13 Criminal Procedure 5.1, considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv):

14 IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled  
15 on April 27, 2021, be vacated and continued to 6/18/2021 at 2:00 PM

16 DATED this 20th day of April 2021.

17 

18 UNITED STATES MAGISTRATE JUDGE